

Notice of Allowability

Application No.

09/771,700

Examiner

Sheeba Ahmed

Applicant(s)

OKAMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/29/04.
2. ☒ The allowed claim(s) is/are 5-14.
3. ☒ The drawings filed on 30 January 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. Claims 5-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claim 5 recites a functional molding composition comprising:

- (1) a plant-originated functional component,
- (2) a tabular mineral,
- (3) a ceramics component other than the tabular mineral, and
- (4) a resin,

wherein at least an external surface of a final molding structure is composed of the functional resin composition so as to exhibit the functionality.

The rejection of claims 5, 7, and 8 under 35 U.S.C. 103(a) as being unpatentable over Honda et al. (US 6,465,114 B1) in view of Panush (US 5,830,567) has been withdrawn in view of the amendments made to claim 5 in the amendment dated November 7, 2003 and the rejection of claims 5, 7, 8, and claims 11-14 under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (US 6,156,817) in view of Cochran II, et al. (US 6,211,500 B1) has been removed given that the Applicants claim for foreign priority has been perfected based on the verified translation of Japanese Application 2000-025720 filed February 2, 2000.

Independent claim 6 recites a functional molding containing a resin, a plant-originated functional component, a tabular mineral having a low hardness and cleavage, and a ceramics component wherein the functional molding is a core-sheath joining type or bimetal joining type molding constructed of an internal component X and an external

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component Y wherein the resin components of the internal component X and the external component Y may be a single resin or a combination of two resins and wherein the plant-originated functional component A, the tabular mineral and the ceramics component are formulated into both the internal component X and the external component Y. Claims 9 and 10 incorporate all the limitations of claims 5 and 6.

The closest prior art is US 6,423,408 B2 however the rejection of claims 6, 9, and 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 4 of U.S. Patent No. 6,423,408 B2 in view of Cochran II, et al. (US 6,211,500 B1) has been overcome by the filing of a terminal disclaimer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (571)272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheeba Ahmed

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June 10, 2004